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In re Application of
SCHANZ et al.
Application No.: 10/526,233
PCT No.: PCT/EP03/09481
Int. Filing Date: 27 August 2003
Priority Date: 28 August 2002
Attorney's Docket No.: 2000-0001
For: CONTROL SYSTEM FOR LIGHT TUBES :

DECISION ON
RENEWED PETITION
UNDER 37 CFR 1.47(b)

This is a decision on renewed petition under 37 CFR 1.47(b), filed 09 November 2006 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing inventors Christian Schanz and Matthias Rupprecht. Petitioner requests a two month extension of time, which is granted.

BACKGROUND

On 27 August 2003, applicant filed international application No. PCT/EP03/09481 which claimed a priority date of 28 August 2002, and which designated the United States. A copy of the international application was communicated to the United States by the International Bureau on 25 March 2004.

On 28 February 2005, within 30 months from the priority date, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, basic national filing fee.

On 05 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS indicating that the oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b) must be furnished within two months from the mail date of the notice or the application would be abandoned. Extensions of time were available.

On 11 April 2006, petitioner filed a petition requesting that the above-identified application be accepted under the provisions of 37 CFR 1.47(b). The petition was accompanied by an unexecuted declaration and a copy of an unexecuted Assignment.

On 03 August 2006, a decision dismissing the petition was mailed to applicant indicating that Petitioner had not met the requirements of 37 CFR 1.47(b).

On 09 November 2006, Petitioner filed a renewed Petition under 37 CFR 1.47(b) along with declarations executed by the previously non-signing inventors.

DISCUSSION

A review of the declarations reveals that the declarations identify and are executed by each of the previously nonsigning inventors, and state the residency, citizenship and mailing address of each inventor. Thus, the declarations are acceptable and the requirements of 37 CFR 1.497(a) and (b).

The renewed petition under 37 CFR 1.47(b) is considered moot as declarations executed by the previously unavailable inventors have now been submitted and are acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the renewed petition under 37 CFR 1.47(b) is considered **MOOT**. The declarations executed by the joint inventors and submitted on 09 November 2006 is in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **09 November 2006**.


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